

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

ELEANOR KELLER, *individually and on behalf of all Heirs-at-Law and/or  
wrongful death beneficiaries of Gerald Simpson, Deceased*  
THE ESTATE OF GERALD SIMPSON, *by and through Glen Simpson,  
Administrator of Estate*

PLAINTIFFS

V.

CIVIL ACTION NO.: 1:16-cv-136-SA-DAS

ATTALA COUNTY, *et al.*

DEFENDANTS

ORDER

Before the Court is Plaintiffs' Motion to Change Venue [53]. Plaintiffs move the Court to transfer this case from the United States District Court for the Northern District of Mississippi, Aberdeen Division to the United States District Court for the Northern District of Mississippi, Greenville Division, pursuant to 28 U.S.C. § 1404(a). As cause, Plaintiffs cite that they mistakenly filed their initial Complaint in this matter in the Aberdeen Division. Citing *In re Volkswagen*, 371 F. 3d 201, 203 (5th Cir. 2004), Plaintiffs argue that the Greenville Division is the proper venue because the action could have been filed within the Greenville District, as all of the Defendants are domiciled within Attala County. 28 U.S.C. § 1404(a).

This Court and the Fifth Circuit have explicitly stated that, "to justify an intradistrict transfer[.]" there must be a "strong showing of prejudice . . . ." *United States v. Gourley*, 168 F.3d 165, 168 (5th Cir. 1999); *Williams v. City of Cleveland*, 848 F. Supp. 2d 646, 655 (N.D. Miss. 2012); *Johnson v. Lewis*, 645 F. Supp. 2d 578, 586 (N.D. Miss. 2009). Furthermore, the Court, in deciding whether to transfer, has "broad discretion." *Johnson*, 645 F. Supp. 2d at 586 (quoting *In re Volkswagen*, 545 F.3d 304, 311 (5th Cir. 2008)). Plaintiffs have failed to bring forth evidence or argument that such prejudice exists. Additionally, Plaintiffs merely assert that Defendants are domiciled within Attala County, and give no description of the domicile of available witnesses and

the inconvenience provided to them should this case remain in Aberdeen. Therefore, Plaintiffs' Motion to Transfer Venue is DENIED.

SO ORDERED this the 13th day of December 2017.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE